

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOREEN WALD : CIVIL ACTION

v. :

1 FINANCIAL MARKETPLACE : NO. 09-1117
SECURITIES, LLC, et al.

**MEMORANDUM RE: MOTION TO COMPEL ARBITRATION AND STAY
PROCEEDINGS**

Baylson, J.

November 6, 2009

Before the Court is the Motion of Defendants 1 Financial Marketplace Securities, LLC, and Kevin M. Ross to Compel Arbitration and Stay Proceedings (Doc. No. 7). On March 13, 2009, Plaintiff Doreen Wald brought suit against Defendants, alleging various violations of state and federal law arising from Plaintiff's loss of her investment in a hedge fund named Securion I, L.P. Larry Wald also brought suit against Defendants that same day, alleging the same violations as Plaintiff regarding the loss of his investment in Securion I, L.P.¹ Plaintiff's suit was assigned to this Court; Larry Wald's suit was assigned to the Honorable William H. Yohn Jr. of the United States District Court for the Eastern District of Pennsylvania.² On May 20, 2009, Defendants moved in each case to compel arbitration and stay proceedings pending the completion of arbitration. Judge Yohn granted Defendants' motion as to Larry Wald's claims on October 5, 2009. See Wald v. 1 Fin. Marketplace Sec., LLC, Civ. A. No. 09-1116, 2009 WL 3209930 (E.D. Pa. Oct. 5, 2009). Having reviewed Plaintiff's Complaint and the filings regarding Defendants'

¹Larry and Doreen Wald were married but had separated by the time they each filed suit. They are represented by the same counsel in their respective cases.

²The two cases were not filed as "related cases" under Local Rule 40.1, and thus were each subject to random assignment.

Motion to Compel in this case (all of which bear extensive similarity to those offered in Larry Wald's case), the Court believes that the thorough and persuasive analysis set forth by Judge Yohn applies with equal force to the question of arbitrability presented here. Accordingly, for the reasons detailed by Judge Yohn, the Court will grant Defendants' Motion, compel arbitration of Plaintiff's claims, and stay proceedings pending the completion of that arbitration.³ An appropriate order follows.

C:\Inetpub\www\documents\opinions\source1\ASQ09D1346P.PAE

³On October 26, 2009, having discovered Larry Wald's suit and Judge Yohn's disposition of Defendants' motion to compel in that case, the Court ordered Plaintiff and Defendants to advise the Court as to whether the case before Judge Yohn is related to the present case under Local Rule 40.1(b)(3) and, if so, why the cases were not filed as such. Defendants contend the cases are related; Plaintiff disagrees. The Court declines to resolve this dispute here, but may revisit it if necessary once the arbitration proceedings have been completed.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOREEN WALD : CIVIL ACTION

v. :

1 FINANCIAL MARKETPLACE : NO. 09-1117
SECURITIES, LLC, et al.

ORDER

AND NOW, this 6th day of November, 2009, upon consideration of Defendants' Motion to Compel Arbitration and Stay Proceedings (Doc. No. 7), Plaintiff's Response, Defendants' Reply, and Plaintiff's Surreply, it is hereby ORDERED that the Motion is GRANTED and this dispute shall be submitted to FINRA Arbitration and the action is STAYED pending completion of the Arbitration.

It is FURTHER ORDERED as follows:

1. All proceedings are stayed until further Order of the Court;
2. The case shall be transferred to the Civil Suspense File;
2. The Clerk of the Court shall mark this case closed for statistical purposes;
3. The Court shall retain jurisdiction over the case and the case shall be returned to the Court's active docket in 180 days or upon further order of the Court; and
4. The entry of this Order shall not prejudice the rights of the parties to this litigation.

BY THE COURT:

/s/Michael M. Baylson

Michael M. Baylson, U.S.D.J.